\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 91-162-A

William M. Pitcher, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3.B.3 Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 32 ft. in lieu of the required 50 ft. (attached single car garage) and to amend the Final Development Plan of Woodward to allow the proposed construction outside of the building envelope, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 2 Woodward Lane, zoned R.C.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (attached single car garage).

The Petition was originally filed as an Administrative Variance which was incomplete and the Petition was scheduled for hearing on December 13, 1990. Upon request from the Petitioners to supply additional documentation which has been marked Petitioners' Exhibits Nos. 5, 6 7, the necessity for a public hearing has been eliminated. Therefore, this matter will be addressed as an Administrative Variance.

PETITION FOR RESIDENTIAL VARIANCE

the description and plat attached hereto and made a part hereof, petition for a Yariance from Section

of the required 50 ft. (for proposed single car garage) and to amend

the final development plan of Woodward to allow the proposed construction

IACA. 3B. 3 to permit a side yard setback of 32 ft. in lieu

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

able, the relief should be granted.

that proceeding at this time is at their own risk

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information avail-

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29 day of farmory, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3.B.3 Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 32 ft. in lieu of the required 50 ft. (attached single car garage) and to amend the Final Development Plan of Woodward to allow the proposed construction outside of the building envelope, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware until such time as the 30 day appellate process from this Order has expired. If, for whatever

## **AFFIDAVIT** IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at 2 Woodward Lane \_\_or lot #1 as shown on the plat entitled Plat of Woodward.

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate bardship or practical difficulty) Proposed single car garage addition, built to accommodate

senior citizen (mother) with physical disabilities in bad

weather.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Printed Name)

William M. Pitcher

Courtaine M. Pelcher AFFIANT (Handwritten Signature) Constance M. Pitcher

AFFIRMT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of October 1990, before me, a Motary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William M. Pitcher and Constance M. Pitcher

the Affiant(s) berein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best cf his/her/their knowledge and belief.

AS WITNESS my hand and Motarial Seal.

outside of the building envelope. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons DZ (indicate hardship or practical difficulty) Built to accommodate senior citizen with physical disabilities [3ATE 12-3-5] "(mother) in bad weather. Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of William M. Pitcher 2 Woodward Lane Lutherville, MD 21093 City/State/Zip Code

petition be posted on the property on or before the 21 day of NOV , 18 90 .

Name, address and phone number of legal owner, contract

purchaser or representative to be contacted.

reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

addition to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

cc: Peoples Counsel

2. The Petitioners shall not allow or cause the

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ZONING DESCRIPTION

Beginning at a point on the westernmost right of way line

of Woodward Lane (40 ft. wide) at a distance of 210' north

of the center line of Falls Road. Being Lot #1 in the sub-

divison of Woodward. Also known as #2 Woodward Lane in the

91-162-A

8 Election District.

Area 5.26 acres plus or minus.

Zoning Commissioner for Baltimore County

Zoning Commisioner County Office Building 11! West Chesapeake Avenue

H7100185 PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL)

080 -POSTING SIGNS / ADVERTISING 1 X LAST NAME OF OWNER: PITCHER

BA C009:19AM10-31-9D

ZONING DEPARTMENT OF BALTIMORE COUNTY

Office of Planning and Zoning

Baltimore County Government Zoning Commissioner

111 West Chesapeake Avenue Towson, MD 21204

887-3353

January 29, 1991

Mr. and Mrs. William Pitcher 2 Woodward Lane Lutherville, Maryland 21093

> RE: Petition for Residential Zoning Variance Case No. 91-162-A

Dear Mr. and Mrs. Pitcher:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

cc: Peoples Counsel

JRH:mmn

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

November 7, 1990

Hr. & Mrs. William M. Pitcher 2 Woodward Lane Lutherville, Maryland 21093

Re: CASE NUMBER: 91-162-A LOCATION: W/S Woodward Lane, 210' N of Falls Road

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a

1) Your property will be posted on or before Wovember 21, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 6, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the

the administrative process. The Zoming Commissioner must now decide whether to grant or deny the request. He

THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING

(301) 887-3391

Dear Petitioner(s):

refresher regarding the administrative process.

day you return the sign.

 Assuming no neighbor has requested a public hearing, the file now enters the final review stage of also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, MATLED TO YOU.

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

NOVEMBER 21, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: WILLIAM M. PITCHER

#2 WOODWARD LANE Location:

Zoning Agenda: NOVEMBER 20, 1990

Item No.: 185

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Approved Approved Fire Prevention Bureau Special Inspection Division

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 6, 1990

Mr. & Mrs. William M. Pitcher 2 Woodward Lane Lutherville, MD 21093

> RE: Item No. 185, Case No. 91-162-A Petitioner: William M. Pitcher, et ux Petition for Residential Variance

Dear Mr. & Mrs. Pitcher:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

ELECTION DISTRICT: 8th

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND

ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

PERMITS & LICENSES

SUBJECT:

FOLLOWING:

HANDICAPPED.

( ) BUILDING ACCESS

REQUIRED.

PARKING LOCATION

NUMBER PARKING SPACES

HALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

November 15, 1990

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

ZONING ITEM #: 185 PROPERTY OWNER: William M. Pitcher, et ux

Woodward Lane)

LOCATION: W/S Woodward Lane, 210' N of Falls Road (#2

( ) RAMPS (degree slope)

( ) CURB CUTS

( ) SIGNAGE

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

received

Enclosures

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 30th day of October, 1990.

> I. ROBEKT HAINES ZONING COMMISSIONER

Petitioner: William M. Pitcher, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

DATE: December 3, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166 Earlie E. and Linda R. Towe, Item No. 170 Roland H. and Darlene Farlow, Item No. 171 Kwan Woo Lee, Item No. 173 Harry E. Belsinger, et al., Item No. 175 Gary D. and Kathleen M. Stewart, Item No. 178 Dale A. and Cheryl Poletynski, Item No. 181 Bruce D. and Mary V. Frith, Item No. 182 Eileen C. Misler, Item No. 183 William M. and Constance M. Pitcher, Item No. 185 Key Federal Savings Bank, Item No. 186 Stephen D. and Wendy K. Mooney, Item No. 189 Brian D. and Tulia Briscoe, Item No. 193 Charles Henry and Vickie Jean Wallis, Item No. 195 Sharon Piaskowski, Item No. 196 Gary E. Stahl, Item No. 199 Keith E. and Terri L. Yeager, Item No. 201 Robert E. and Deborah L. Jennings, Item No. 202 Gloria P. Brown, Item No. 203 Robert E. and Karen F. Ege, Item No. 207 Javad Darbandi, Item No. 208 Thomas D. and Jeannette Considine, Item No. 209 Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSMUL.TPL/ZAC1

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 14, 1990

Mr. & Mrs. William M. Pitcher 2 Woodward Lane Lutherville, Maryland 21093

CASE NUMBER: LOCATION:

91-162-A W/S Woodward Lane, 210" N Falls Road 2 Woodward Lane

Dear Petitioner:

By Order of the Zoning Commissioner's Office, dated December 13, 1990, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this

Very truly yours,

(301) 887-3391

INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee PATE: November 16, 1990 FROM: Robert W. Bowling, F.E.

BALTIMORE COUNTY, MARYLAND

Zoning Advisory Committee Meeting for November 20, 1999

The Developers Engineering Division has reviewed the subject sching items and we have no comments for Items 165, 166, 171, 173, 171, 179, 183, 185, 190, 191, 192, 197 and 198.

Item 184 is subject to the previous County Review Group comments.

SOPERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

TOWSON, MARYLAND 21204 - PHONE - 887-3900. THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

( X)X OTHER - NO OTHER COMMENT AT THIS TIME PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAFEAKE AVENUE,

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

January 25, 1991

Mr. and Mrs. William M. Pitcher 2 Woodward Lane Lutherville, Maryland 21093

RE: Case No. 91-62-A
W/S Woodward Lane, 210 ft. N Falls Road
Woodward Lane

Dear Mr. and Mrs. Pitcher:

I am in receipt of the additional information that you forwarded to my office on January 10, 1991.

Please be advised that the notice for public hearing in this matter has been superseded by your additional information and a determination upon a variance request will be forthcoming shortly.

Thank you for your time and cooperation.

J. Robert Haines
Zoning Commissioner

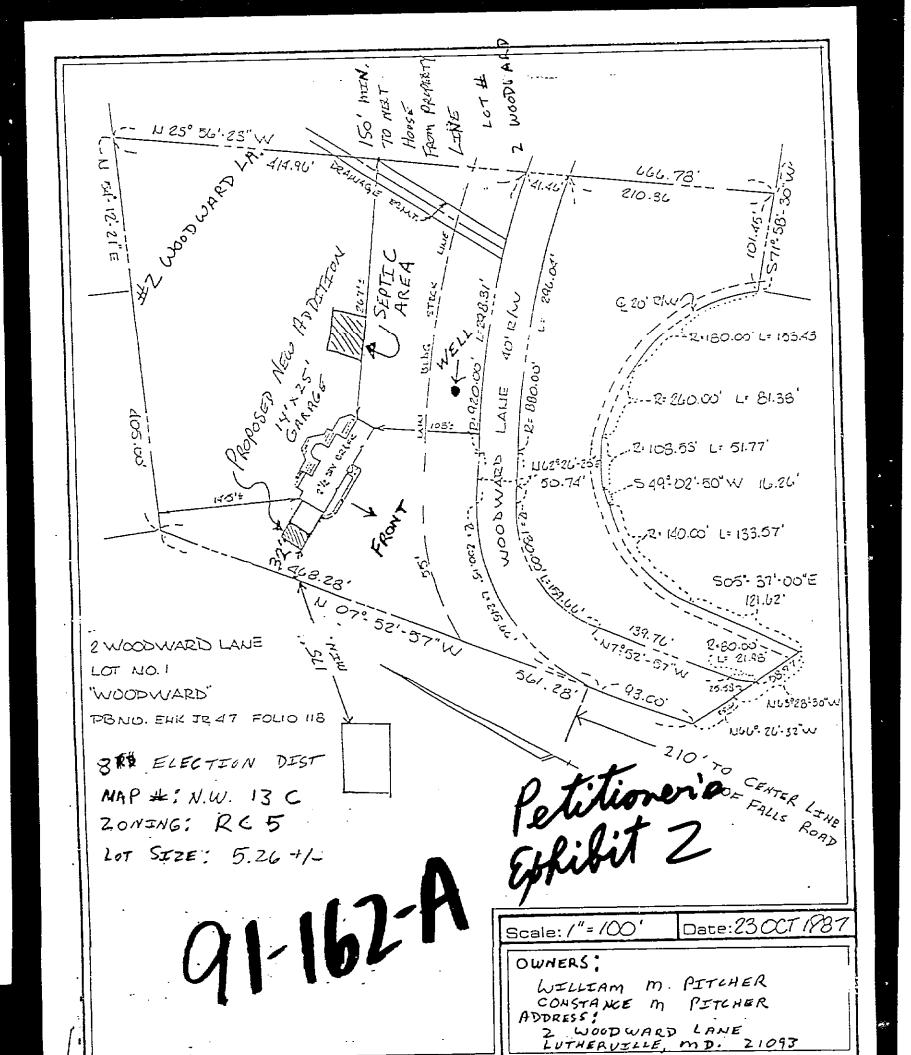
JRH:mmn

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: Z WOOD WARD LANE Subdivision name: WOOD WARD

plat book#47, folio#118, lot#1, section#1 LOCATION INFORMATION Councilmanic District: 3 Election District: ANY QUESTIONS OR PROBLEMS

PLEASE CALL GEORGE AYRES

592-3200 1=200' scale map#: N.W. 13 C zoning: RC 5 Lot size: 5.26 square feet SEWER: 🗌 🗹 WATER: 🗌 🗹 Chesapeake Bay Critical Area: Prior Zoning Hearings: Zoning Office USE ONLY! Scale of Drawing: 1'= 100'



CASE #: 91-162-A



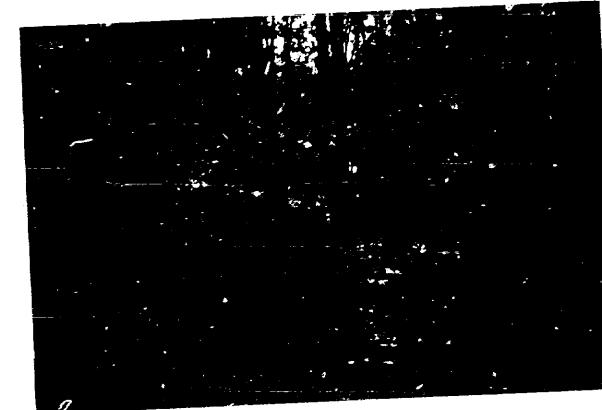
Proposed single car addition garage will be added to present garage on black-toped area as shown on other

## PETITIONER'S EXHIBIT # 3

## CASE #: 91-162-A



View of pine tree screen on lot line where proposed single car garage is



Pine tree screen near lot line on side where garage is to be attached.

PETITIONER'S EXHIBIT # 生 Petitionerie 1:18/ Der Mr. Haines,

In reference to case of 91-162-4 I was

teld that there was no objections to this

case and that a public hearing was

scheduled become of lack of Imps. Mr. Poten obtained

this letter of approval from the "wood ward

Howe owners association" that they have no objection

to this Variance. I thought waybe with this

in hand, you would recarried the

hearing.

JAN 10 1991

ZONING OFFICE

Put

P.S. I'm taking care of alis for MR. William Pitcher 2 WOOD WARD LANE JOHN C. BRUMMEP. D.D.S., P.A.

PRACTICE LIMITED TO ONTHODONTICS

36 WOODWARD LANE
LUTHERVILLE, MD 21093

TELEPHONE: 866-3630

A. County John Mineral

Open Sine.

Open Sine.

Open Sine.

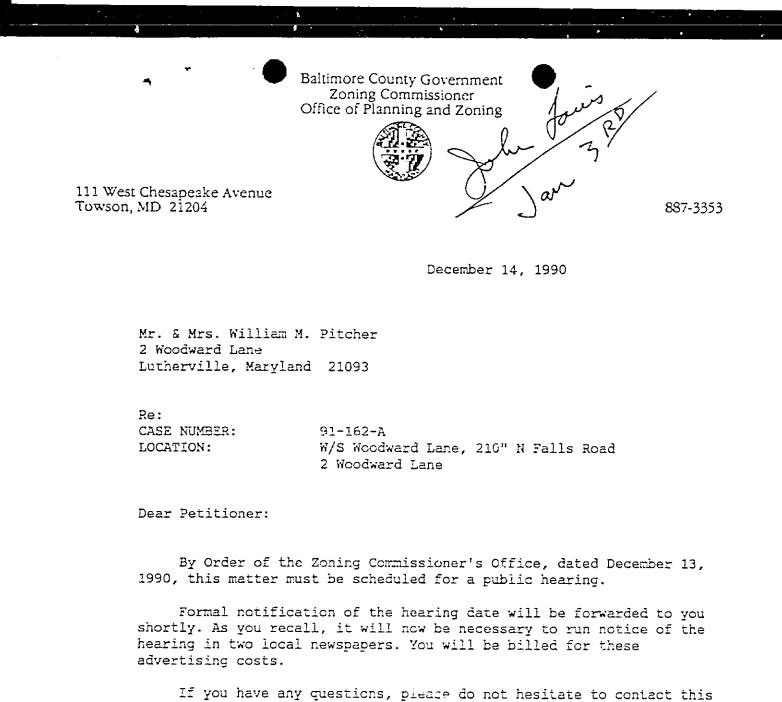
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Petitioner's Ephibit 6 Cercital Canal January Granes Constant Continual January



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G. G. Stephens (301) 887-3391

